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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,453	03/06/2002	Jafar Hadian	3123-427 / 20011.05	8757

7590 09/30/2003

The Law Office of Steven G. Roeder
5560 Chelsea Avenue
La Jolla, CA 92037

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

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DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,453

Applicant(s)

HADIAN ET AL.

Examiner

David D. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 15. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, 14-15, 39-40 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Mallery (US 6,307,719). Figure 1 of Mallery shows disk drive 80 including a drive housing; storage disk 15 and head arm assembly 5 coupled to the housing. Assembly 5 includes adjuster 34 and slider 10 coupled to adjuster 34. Adjuster 5 changes the gram load that is applied to slider 10 as the temperature, via power source 19, changes.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3, 4 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallary (US 6,307,719). Mallary discloses the claimed invention. See description, supra.

Mallary is considered to increase the gram load approximately four percent for a twenty degree Celsius decrease in temperature, which flows from the purview a skilled artisan in the suspension art. Assuming arguendo that Mallary is silent as to the percentage increase of the gram load is based on the temperature decrease, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to specify that the increase in the gram load approximately four percent for a twenty degree Celsius decrease in temperature, which is well within the purview of a skilled artisan and absent an unobvious result, so as to effectively and optimally adjust the gram load of the slider to provide the most favorable slider flying height.

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Note: if the consideration and the finding of obviousness, supra, is traversed, the traversal must be a simple and direct denial that Mallary and that which is taught in suspension art does not increase the gram load approximately four percent for a twenty degree Celsius decrease in temperature. Thereby showing, an increase of the gram load approximately four percent for a twenty degree Celsius decrease in temperature is new and novel.

7. Claims 6-13, 16 and 45-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallary (US 6,307,719) in view of Simmons et al (US 5,742,452). Mallary discloses the claimed invention. See description, supra.

Mallary, however, is silent as to the materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity.

Simmons et al discloses in column 7, lines 40-44, materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide materials for the suspension of Mallary being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity as taught by Simmons et al. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity so as "to adjust the gram load of the suspension" to provide the most favorable slider flying height. See column 7, lines 40-44 of Simmons et al.

Note: if the consideration and the finding of obviousness, supra, is traversed, the traversal must be a simple and direct denial that Mallary in view of Simmons et al and that which is taught in suspension art does not disclose the materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity. Thereby showing, the materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity are new and novel.

8. Claims 17-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallary (US 6,307,719) in view of Simmons et al (US 5,742,452). Mallary discloses the claimed invention.). Figure 1 of Mallary shows disk drive 80 including a drive housing; storage disk 15 and head arm assembly 5 coupled to the housing. Assembly 5 includes adjuster 34 and slider 10 coupled to adjuster 34. Adjuster 5 changes the gram load that is applied to slider 10 as the temperature, via power source 19, changes.

Mallary is considered to increase the gram load approximately four percent for a twenty degree Celsius decrease in temperature, which flows from the purview a skilled artisan in the suspension art. Assuming arguendo that Mallary is silent as to the percentage increase of the gram load is based on the temperature decrease, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to specify that the increase in the gram load approximately four percent for a twenty degree Celsius decrease in temperature, which is well within the purview of a skilled artisan and absent an unobvious result, so as to effectively and optimally adjust the gram load of the slider to provide the most favorable slider flying height.

Note: if the consideration and the finding of obviousness, supra, is traversed, the traversal must be a simple and direct denial that Mallary and that which is taught in suspension art does not increase the gram load approximately four percent for a twenty degree Celsius decrease in temperature. Thereby showing, an increase of the gram load approximately four percent for a twenty degree Celsius decrease in temperature is new and novel.

Mallary, however, is silent as to the materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity.

Simmons et al discloses in column 7, lines 40-44, materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide materials for the suspension of Mallary being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity as taught by Simmons et al. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity so as "to adjust the gram load of the suspension" to provide the most favorable slider flying height. See column 7, lines 40-44 of Simmons et al.

Note: if the consideration and the finding of obviousness, supra, is traversed, the traversal must be a simple and direct denial that Mallary in view of Simmons et al and that which is taught in suspension art does not disclose the materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity.


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Thereby showing, the materials for a suspension being different with different properties such as thermal expansion, metal, titanium and modulus of elasticity are new and novel.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Mon., Tues., Thurs. and Fri. between 7:30-6:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900. Any other inquiry should be directed to the customer service center whose telephone number is (703) 306-0377.


David D. Davis
Primary Examiner
Art Unit 2652

ddd
September 22, 2003